

HAGENS BERMAN SOBOL SHAPIRO LLP

Steve W. Berman, Esq. (*pro hac vice*)
steve@hbsslaw.com
Stephanie A. Verdoia, Esq. (*pro hac vice*)
stephaniev@hbsslaw.com
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Rio S. Pierce, Esq. (*pro hac vice*)
riop@hbsslaw.com
Abby R. Wolf, Esq. (*pro hac vice pending*)
abbyw@hbsslaw.com
Hannah K. Song, Esq. (*pro hac vice*)
hannahso@hbsslaw.com
715 Hearst Ave, Suite 300
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001

PANISH SHEA BOYLE RAVIPUDI LLP

Brian J. Panish, NV Bar No. 16123 (*admission pending*)
panish@psbr.law
Rahul Ravipudi, NV Bar No. 14750
rravipudi@psbr.law
Adam Ellis, NV Bar No. 14514
aellis@psbr.law
Ian Samson, NV Bar No. 15089
isamson@psbr.law
300 S. Fourth Street, Suite 710
Las Vegas, NV 89101
Telephone: (702) 560-5520

Counsel for Plaintiffs and the Proposed Class

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD GIBSON, and HERIBERTO
VALIENTE, *on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

MGM RESORTS INTERNATIONAL,
CENDYN GROUP, LLC, THE
RAINMAKER GROUP UNLIMITED, INC.,
CAESARS ENTERTAINMENT INC.,
TREASURE ISLAND, LLC, WYNN
RESORTS HOLDINGS, LLC,

Defendants.

Case No. 2:23-CV-140-MMD-DJA

**DECLARATION OF STEVE W. BERMAN
IN SUPPORT OF PLAINTIFFS' MOTION
TO APPOINT HAGENS BERMAN SOBOL
SHAPIRO LLP AS INTERIM CLASS
COUNSEL**

DECLARATION OF STEVE W. BERMAN ISO
PLAINTIFFS' MOTION APPOINTING HAGENS BERMAN
SOBOL SHAPIRO LLP AS INTERIM CLASS COUNSEL

1 I, STEVE W. BERMAN, declare as follows:

2 1. I am the founder and managing partner at Hagens Berman Sobol Shapiro LLP,
3 counsel of record for Plaintiffs Richard Gibson and Heriberto Valiente in the above-titled action. I
4 have been admitted as a *Pro Hac Vice* by the District of Nevada for this case. I have personal
5 knowledge of the facts stated in this declaration and would competently testify thereto, if called
6 upon.

7 2. I make this declaration personally in support of Plaintiffs' Motion to Appoint
8 Hagens Berman Sobol Shapiro LLP as Interim Class Counsel. I am committed to prosecuting this
9 case. If the Court appoints Hagens Berman as Interim Class Counsel in this litigation, I will devote
10 myself to the development and success of this case.

11 **HAGENS BERMAN HAS LED THE PROSECUTION OF INFORMATION EXCHANGES**

12 3. Hagens Berman is on the forefront of many major antitrust cases, including cases
13 where defendants used third party intermediaries to share their pricing. For example, most recently
14 Hagens Berman has been appointed as interim lead counsel on behalf of student renters who lease
15 units from property management companies that use the same third party—RealPage—to access a
16 shared pricing algorithm. *See Navarro v. RealPage*, No. 2:22-cv-01552-RSL (W.D. Wash.).

17 4. In addition, Hagens Berman has been appointed lead for the consumer classes in
18 both the *Broilers* and *Pork* antitrust cases. *See In re: Broilers Antitrust Litigation*, Case No. 1:16-
19 cv-08637 (N.D. Ill.) and *In re: Pork Antitrust Litigation*, Case No. 1:18-cv-01776 (D. Minn.).

20 5. Both *Broilers* and *Pork* allege that the defendants – chicken and pork processors in
21 the United States – used a third-party intermediary to exchange information about their prices,
22 which resulted in anticompetitive effects. These cases are actively being litigated, and the classes
23 have already achieved significant results. The district court in *Broilers* has granted class
24 certification and settlements to date total \$181 million for the class. In *Pork*, class certification is
25 pending and settlements to date total more \$100 million. The proposed team for this case includes
26 lawyers who have worked on both *Broilers* and *Pork* extensively.

HAGENS BERMAN DEVELOPED THIS CASE

6. Hagens Berman is the only firm that has investigated Rainmaker's impact in the Las Vegas Hotel Market. As a result of Hagens Berman's investigation, hotel guests brought a novel complaint, which named multiple defendants who own numerous properties on the Las Vegas Strip.

7. The depth and detail of the allegations in the complaint are one indication of Hagens Berman's efforts. Hagens Berman extensively investigated the unique aspects of the Las Vegas Strip Hotel Market, the individual defendants, and the facts alleged in the complaint. This includes analyses of articles in trade publications, industry presentations and reports, SEC filings, and investor presentations concerning the Las Vegas Strip Hotel Market and the individual defendants.

8. Hagens Berman spent many hours working with economists to identify critical factors in the technology utilized by hotel management companies which made the hotel market more susceptible to collusion. For example, the high barriers to enter the market, market concentration, inelastic consumer demand, relative fungibility of hotel rooms, and exchange of competitively sensitive information among competitors at trade association conferences, are a few characteristics that prevent discipline of the cartel price fixing.

9. This work has not stopped since filing of the initial complaint in this action. The attorneys on this team have committed many hours to the investigation of impacted putative class members and are regularly communicating with many guests of defendants' properties across the country to answer their questions about this case.

HAGENS BERMAN HAS THE RESOURCES TO PROSECUTE THESE CLAIMS

10. Hagens Berman has more than eighty lawyers, with offices in Seattle, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix, San Diego, and abroad. Since its founding in 1993, Hagens Berman has represented plaintiffs in a broad spectrum of complex, multi-party antitrust cases. Hagens Berman was named to the 2022 Elite Trial Lawyer – Litigation Firm of the Year in the Antitrust Category by the National Law Journal, as well as being named Practice

1 Group of the Year—Antitrust by Law 360 for 2022, and honoree for Outstanding Antitrust
2 Litigation Achievement in Private Law Practice” by the American Antitrust Institute in 2021.

3 11. This litigation team has demonstrated their dedication and commitment in the many
4 complex cases discussed above, and Hagens Berman will bring the same resources and
5 commitment to ensure a successful outcome of this case. Hagens Berman is well-capitalized and
6 possesses some of the largest and most robust investigatory and litigation teams in their field.
7 Hagens Berman’s lawyers are experienced, diverse professionals dedicated to enforcing consumer
8 protection and antitrust laws. The firm consistently advances millions of dollars in litigation costs
9 without third-party funding in matters of comparable size and complexity.

10 12. Hagens Berman has also developed policies to ensure cost-effective representation
11 of the class. For example, Hagens Berman has a robust timekeeping policy to ensure timely and
12 detailed records of all billable time. Time must be contemporaneously tracked by attorneys in time-
13 keeping software, according to time codes that are standard in large antitrust cases. Time
14 descriptions must be sufficiently detailed to enable anyone reviewing the entries to identify the
15 specific activity performed the time spent on the activity and its purpose, and the relationship to the
16 matter. Time must be tracked in tenth-of-an-hour increments. Timekeepers who do not follow the
17 policy of entering time contemporaneously are subject to financial penalties to incentivize
18 compliance. Timekeeping is considered a critical job function and tardiness is not tolerated.
19 Hagens Berman also audits this time every month and can provide regular reports to the Court, if
20 requested.

21 13. Hagens Berman is also committed to encouraging diversity in the practice of law.
22 The proposed litigation team here includes two men and three women with varied experience
23 levels. This team is committed to developing opportunities for new attorneys to have meaningful
24 opportunities in court, with appropriate supervision.

25 CONCLUSION

26 14. Hagens Berman is eminently qualified to be Interim Lead Counsel in this case.
27 Hagens Berman has been appointed as lead counsel in many antitrust cases that are similar in size
28 and complexity and we have achieved remarkable results for class members in these cases.

